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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18
19 WAYMO LLC,
20 Plaintiff,
21 v.
22 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendant.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S
STATEMENT PURSUANT TO
ORDER REGARDING UBERS'
PRIVILEGE LOG (DKT. 567)**

Trial Date: October 2, 2017

1 In response to the Court's Order Regarding Uber's Privilege Log dated June 8, 2017
2 (Dkt. No. 567), Defendants Uber Technologies, Inc. and Ottomotto LLC respectfully submit this
3 statement regarding the process for resolving any disputes regarding the remaining entries on
4 Uber's privilege logs related to the investigation by Stroz Friedberg LLC.

5 The parties conferred by telephone on June 9 at 12:15 p.m. and June 12 at 12:00 p.m.,
6 with the assistance of Special Master Cooper, and agreed to the following process:

7 1. On June 13, 2017, at 5:00 p.m., Uber would produce copies of its privilege logs
8 that: (i) distinguish between documents that would remain on the privilege logs and those that
9 would be removed and produced if the Court were to adopt the June 5, 2017 Order Regarding
10 Waymo's Motion to Compel and (ii) contain any amendments to the privilege log entries that
11 Uber believes are appropriate. Waymo would reserve its rights regarding what it believes are
12 deficiencies in the privilege logs that Uber has relied on to date.

13 2. On June 14, 2017, at 10:00 a.m., the parties would confer about the privilege logs,
14 with Special Master Cooper's assistance, and agree upon a briefing schedule and page limits for
15 any necessary motion practice. Waymo would be prepared to file on June 14, 2017. The parties
16 would inform the Court of the agreed-upon schedule and page limits.

17 Notwithstanding the foregoing agreement, later in the day on June 12, Waymo forwarded
18 a proposed joint statement for the parties to submit to the Court, in which Uber was given only
19 24 hours to respond to Waymo's anticipated motion relating to the privilege logs and unilaterally
20 set the page limits at 7 pages. Counsel for Uber responded that Waymo's proposed joint
21 statement was inconsistent with the agreement reached earlier that day and that Uber needed to
22 understand the scope of the issues before it could agree to a schedule.

23 Counsel for Waymo sought input from the Special Master, who responded that the process
24 for the resolution of privilege issues was for the parties to meet and confer before Waymo filed its
25 anticipated motion on June 14. The Special Master stated that the parties would discuss these
26 issues with the Special Master on June 13 at 10:00 a.m. Uber expects the parties will make a
27 further submission to the Court regarding page limits and a schedule for Uber's opposition brief
28 following the parties' call with the Special Master.

1 Dated: June 13, 2017

MORRISON & FOERSTER LLP

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3 By: /s/ Arturo J. González
4 ARTURO J. GONZALEZ

5 Attorneys for Defendants
6 UBER TECHNOLOGIES, INC.
7 and OTTOMOTTO LLC

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